

REMARKS

By this amendment, claim 53 is revised to render it formally dependent from the composition as defined in claim 24. Currently, claims 24-57 are before the Examiner for consideration on their merits.

In the outstanding office action, the Examiner has made a restriction requirement. That is, the Examiner requests a restriction to one of the following inventions under 35 U.S.C. 121:

I - claims 24-57 drawn to a composition free of alcohol comprising hydrofluoro-ether component, classified in class 252, sub-class 364;

II - claims 53-55, method for solubilizing an alcohol-free perfume concentrate, drawn to 438, classified in class 423, sub-class 658.5;

III - claims 56-57 drawn to an alcohol-free perfume composition, classified in class 512, sub-class 1.

Applicants strongly traverse this restriction requirement, which is believed to be inappropriate for the present application as follows:

Indeed, the Examiner has overlooked that this application is the US national stage application of PCT/FR00/02384.

It is now well admitted under US patent law and practice, that a US national phase of a PCT application cannot, at least as it relates to the unity of invention, go beyond the unity of invention requirements of the PCT.

Under PCT Rule 13, the International application can bear on one or several inventions linked together to form only a single general inventive concept. Rule 13.2 specifically recognizes the possibility of having claims of different categories, namely for instance an independent claim relating to a product, an independent claim relating to a process to manufacture said product and an independent claim for the use of this product.

By the restriction requirement performed, the Examiner has specifically overlooked PCT Rule 13.

In addition, in the present invention, there is clearly a single inventive concept, which is constituted by the combination of a hydrofluoro-ether component with a polyacid ester.

It is not disputable that each independent claim 24, 53 and 56 requires the combination of the hydrofluoro-ether and of the polyacid ester.

In view of this, the unity of the invention is ensured under PCT Rule 13.

In addition and with regard to invention I and invention III, it is apparent that claim 56 is of much narrower scope than composition claim 43, which also relates to a perfume composition free of ethanol or alcohol and which is classified by the Examiner in group I.

The choice that Applicants have maintained claim 56 drafted under independent form is irrelevant as to the objection of lack of unity of invention.

It is apparent that since claim 56 is of a narrower scope than claim 43, and could be dependent there from, the subject matter of claims 56-57 belongs to invention I.

With regard to the method for solubilizing of invention II, to avoid any discussion about the compulsory presence of the composition of claim 24, method claim 53 has been formally amended by the present amendment to use the composition of claim 24.

In view of this, it is apparent that claim 53 is a method for solubilizing an alcohol-free perfume concentrate which compulsorily requires the presence of the composition of claim 24.

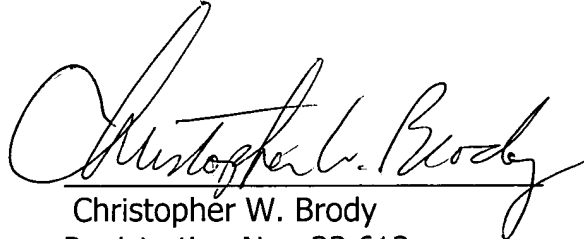
In view of this, there is a formal complete link between invention II and invention I.

In conclusion, the Examiner's restriction requirement is moot and is believed to be overcome.

Since this restriction requirement has been issued after 4 office actions, which recognized the invention as defined by pending claims allowable other the prior art, reconsideration and allowance of this application is respectfully requested.

Please charge any shortages or credit, any overpayments to Deposit Account No. 50-1088.

Respectfully submitted,
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A handwritten signature in black ink, appearing to read "Christopher W. Brody", written over a horizontal line.

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